

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1969 - SB 2267

February 9, 2016

SUMMARY OF BILL: Adds local law enforcement agencies to the definition of “local government entity” for purposes of federal immigration law enforcement. Requires local law enforcement agencies to fully comply with the United States Immigration and Customs Enforcement Criminal Alien Program (CAP). Specifies that a complaint can be filed against law enforcement officers for failure to enforce federal immigration law.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures – Exceeds \$100,000*

Other Fiscal Impact – To the extent the United States Department of Homeland Security enters into agreements with local law enforcement agencies in Tennessee, and such local law enforcement agencies begin enforcing all of the provisions of the United States Immigration and Customs Enforcement Criminal Alien Program (CAP), additional federal funding from the United States Department of Homeland Security may become available for such local law enforcement agencies. The extent and timing of any federal funding, and whether any federal funding will be sufficient to cover all incurred local expenditures, cannot be reasonably determined.

Assumptions:

- Under Tenn. Code Ann. § 40-7-123, counties and municipalities not currently participating in CAP are required to verify the citizenship status of each arrested, booked, or otherwise confined individual and report those individuals to the appropriate immigration and customs enforcement detention and removal operations field office, if the keeper of the jail determines that the individual is in violation of the Immigration and Naturalization Act, or if such status cannot be determined.
- CAP is currently in use by all federal and state prisons.
- According to the Tennessee Sheriffs Association, there are different levels of CAP and Davidson County is the largest participant in the state. No information was available regarding the number of local law enforcement agencies currently participating in CAP statewide.
- Any additional requirements for local law enforcement agencies to comply with CAP provisions that are not currently required under federal or state law will result in increased expenditures to local governments.

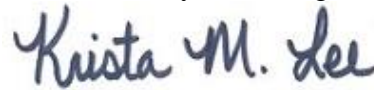
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- It is unknown how many local law enforcement agencies will begin enforcing new CAP requirements as a result of this bill, and the extent of any resulting expenditures in order for such agencies to comply; however, it is reasonable to assume that the mandatory and recurring increase in local expenditures will exceed \$100,000 per year statewide.
- To the extent the United States Department of Homeland Security (USDHS) enters into agreements with local law enforcement agencies across Tennessee; additional federal funding from USDHS may be available for agencies participating in CAP. The extent and timing of any federal funding cannot be reasonably determined.
- Based on information from the Department of Safety, there is no impact on the department's enforcement of immigration law; therefore, no significant fiscal impact on the Department.
- According to the Administrative Office of the Courts, there will be no impact on the court system.
- Any impact on state agencies is not significant.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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